

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 803OF 2023

RATHIN MAHATA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. S. Mitra,
and Advocate

Date of order For the State Respondents : Mr. G.P. Banerjee,
Advocate

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29.04.2024

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to set aside the impugned order dated 14.11.2022 passed by the Joint Secretary, Public Works Department conveyed to the Superintending Engineer, National Highway Circle-I. This impugned regret memo observes that the proforma application was filed beyond the stipulated and permissible time period. The father of the applicant died on 18.05.1999 while rendering his service as a Road Mazdoor. After death of her husband, Smt. Balika Mahata, the widow had submitted an application for such employment for herself and enquiry was also conducted, but the memo No.1148 dated 12.10.2018 suggest that such an application for employment is to be considered in the name of Rathin Mahato, the applicant and son of Balika Mahata. From this memo the Tribunal understands that later Balika Mahata might have withdrawn her application in favour of her son, the present applicant. Besides the delay in submission of a valid application, the impugned memo also finds the application inadmissible for the reason that the deceased employee was under a work charge establishment and was not covered under regular establishment. By the Rules of this scheme, benefits of compassionate employment is not offered to legal heirs of employees who have worked under work charge establishment.

Having heard the submissions of the learned counsels and on examination of the records, the Tribunal has observed that it is not in dispute that there was a long delay on the part of the applicant to file an application in the prescribed proforma. It is also evident that at the time of death of his father, the applicant was minor and not eligible to apply for such employment. The mother had applied for herself within the time, but the record suggest that for some reason such an application was transferred in favour of her son, the present applicant. Be that as it is, the main point for consideration is to examine the two reasons given for

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rejection – belated application after 19 years and the deceased employee under work charge establishment - whether such grounds are legitimate or not. Mrs. Mitra has agitated that the mother's application was not considered in her favour and during such delay, the applicant had already attained the age of employment and, therefore, applied before the respondent authority. It has not been disputed that the applicant was a minor at the time of death of the deceased employee. Therefore, in accordance with law and prevailing Rules, being a minor at that point of time, does not make him eligible to apply for such appointment. As regards the other ground for rejection being an employee under work charge establishment, no documents have been presented to prove otherwise. Therefore, the Tribunal has to rely on what has been presented before it and after such examination, it is of the opinion that the rejection of the application on grounds of being minor submission of an application beyond five years and also for the reason that the deceased employee was a work charge employee, this application for a compassionate employment is not valid. The Tribunal does not find any reason why such a reasoned order be set aside. Thus, the prayer in this application having no merit, no order is passed in this application. The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.